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The first escapade of these young hoodlums was to back a colt half way through the door of the Smoke Lodge while the pipe-lighting ceremony was in progress. The old men did not utter a sound of protest—the tabu enjoined silence! Not content with this, the boys tickled the pony with a stick and caused him to kick wildly, upsetting the old men within. "He tore things up pretty badly." First mention of this stunt was made by Post Oak Jim. The boys were sons of his uncle and so his classificatory "brothers"; he thought they were very funny indeed. He shook with reminiscent chuckles in recounting the story. That's It remembers the incident too, and also considers it a fine joke.

But the old men, says That's It, were "awful sore." They began heatedly to discuss what should be done to the young men when they caught them. They were trying to figure out "what law they should give them." Here was an unprecedented situation—an undoubted grievance. A demand had arisen for a decision of policy. A social rule forced to consciousness by its breach, an explicit sanction was in the making—perhaps even a law. And the outcome? In the midst of the argument one old man spoke up.

"Now you old fellows," he addressed them. "You, too, were boys once. When the sun was shining in the sky, you were mighty nice. When the sun went down and the darkness came, you were devils. Don't you remember how *you* were? Boys will be boys."

They listened. They all thought about how they had behaved. When they thought about it, they all laughed—and let the matter drop. Even when they themselves were the aggrieved, the old men could serve as peace-preservers.

That's It, in thinking it over, did not know what kind of punishment they would have given the boys if they had gone on in the matter. That was a point that the old men had not decided. That's It had no precedent by which to predict their probable action. One step he was sure of. The old men would have gone to talk to the boys' parents.

If the remainder of Post Oak's story is true (it was not checked with other informants), the failure of the old men to take action against the boys on that first occasion marked the end of their venerable comfort. Subsequent misdeeds perpetrated upon their old heads included the throwing in of a skunk during the pipe-lighting ceremony, with the result that the smokers were driven from the lodge. On another occasion the jokesters slashed the robes which the members had left outside the tipi. They smeared soft feces on the gound by the doorway and covered the mess with a little dirt. The members, who had to remove their moccasins before entering, stepped into it barefoot. These and other indignities they heaped on the

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In a variant of this legend given by Eagle Tail Feather the plot structure is identical, but the scene is laid in an Arapaho camp where "the Arapaho medicine man, who was hated by his people, lived alone with his wife to the east of the camp." In the case of the Cheyenne as presented in the version given above we have clearly a reading of Comanche attitudes into the case as Cheyenne attributes. The Cheyennes, so far as field study could determine it, did not possess the sorcery complex.

To sum up sorcery as a crime: Expressed attitudes and the instances cited indicate that sorcery was a socially disruptive power, looked upon with social disapproval. Isolated instances of sorcery were handled as offenses against individuals, though there was no single established social machinery for the need. The diffuse sanctions intrinsic in all social relations were always pressing upon the person who used his medicine powers for bad ends. Such a person was dangerous and social intercourse was withdrawn, eventually leading to overt ostracism and a kind of imposed segregation of the pariah on the edge of the camp. (This segregation seems to have been self-assumed in that there does not appear to be any evidence that the sorcerer was told by anyone that he had better move out. We take it that he was simply frozen out.) Some possessors of medicine powers were compelled by that very power to use it on other people to protect themselves from the ravages of that power. Such excessive and indiscriminate use of power became a social menace not to be tolerated and the result was on occasion a deliberate formation of a social policy to meet the situation. People decided that such a person must die and then laid out a plan as to how the execution could be effected. This was done through the medium of a seemingly dispassionate execution through delegates.

The scarcity of cases of this sort leads to two alternative conclusions: either (a), there was not much use of sorcery attributed cumulatively to individuals; or (b), the accumulated irritation against the users of black magic did not often reach the point where it precipitated direct action on the part of the band. This would reflect either the lack of geared machinery for moving society against public offenders or that the Comanche failed to get obsessive about sorcerers.[2]

INDIVIDUAL ACTION DURING THE COMMUNAL HUNT

In approaching consideration of the rules of the communal buffalo hunt, we might look with expectancy towards something more definite. For it is at this point that the tendency to evolve a definite political expression of

[2] Professor Ruth Benedict observes, "Sorcery is a fear-projection, and the Comanches were not ridden by fear."

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224 social authority emerged most clearly amongst the Plains tribes. "Indeed,"
689 Professor Lowie has written, "disobedience to their (the soldier-constabulary) orders on that occasion and consequent imperilment of the food supply may be regarded as the one crime against society recognized by all the Plains tribes."[3]

The Comanches are the great exception. To prove that it was entirely foreign to his people, White Wolf cited the experience of a Comanche who was living with the Cheyennes. In his ignorance this individual violated the Cheyenne law by seeking out the herd alone. In consequence, he was visited by the Cheyenne Dog Soldiers, who began slashing his tipi and blankets and killing his horses. The Comanche vigorously protested the punishment to the leader of the group; he argued that it was no offense to hunt alone among his people; he had not known that the Cheyennes felt differently about it.

The Comanches were not unmindful of the need for limitations of individual action. The spontaneous germ, social recognition of communal danger which lay in individual hunting, was clearly there. Experience had taught them the danger of stampeding a herd. Such measures as they did develop show how naturally the buffalo problem did become a focal point for the excrudescence of criminal law in some originating Plains tribe. Thus it was said that if the chief *thought* a certain man was likely to sneak out alone or to break before all were ready, he told the *people* to keep an eye on that fellow.

Suppose some rugged individualist escaped the "eyeing," however. Slope recalled an occasion when he was on a hunt and one man crept out from the camp before daybreak, disregarding the impropriety of his action. While the others were still dreaming of shooting buffalo by the hundreds, he was out shooting those he could get, not stopping to butcher them, eagerly pushing on while the game was good. The band rose early too. The hunters were soon in the field. It was not long before they stalked upon the carcasses. Indignation was high. They moved to drastic action. The hunters pulled their skinning knives and slashed the hides to shreds. The chiseller would have no robes. Then they vindictively scooped sand and dirt from the ground, rubbing it soundly into the flesh. That fixed the sneaker. He knew what they thought of him. The hunt leader pointed the finger at him and told the people to keep an eye on him thereafter. He suffered no physical chastisement, as he would have among the Cheyennes. But the incident and the reputation it left must have dogged him.

Beyond this, however, the Comanches did not go.

[3] Lowie, *Primitive Society*, p. 415; affirmed also by Professor Boas, cf. *Anthropology*, (Encyclopaedia of the Social Sciences, vol. I, 1935), p. 89.

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across the face with his quirt. He'd never been whipped. He got to thinking about it, so he got out his gun and shot himself. The people didn't know why he did it, and suggested things out of the way. Sometimes when Indians go on a raid they catch a disease and commit suicide because they don't want to go back that way. This man was a brave warrior; he had killed lots of enemies; he had power."

Among the Comanches a sense of the injustice of a formally justifiable act at times took the form of a protest-suicide. Or perhaps it might be released in some retaliatory act, such as killing a favorite horse or mutilating the good-looking sister of the man who had pushed the law too far. A boyhood prank of Gets To Be A Middle-Aged Man produced these double repercussions of incensed reactions to an over-strict legal settlement.

Case 37. Adultery and Retaliations
Informant: Gets To Be A Middle-Aged Man

"I was down by the creek one day with a friend when a woman came down for water. She was the sister of my friend's step-mother. I proposed that we seek intercourse with her. My friend agreed. So I went over to make the proposition to the woman. She was quite willing, provided that we would wait until she had taken the bucket of water back to camp. On her return I met her first, as I had demanded the first chance. While we were together there, her sister (my friend's step-mother) saw us, but she slipped quietly into the brush and said nothing. When my friend had his turn, his step-mother again spied and saw them together. She went right away to her sister's husband and informed him of his wife's doings with us.

"The man came to my father's tipi. He told him what had happened. 'What do you intend to do about it?' he asked my father.

"We were called in and he blamed us both with adultery. I denied any contact with the wife, but when my friend was charged he boasted, 'Sure I did it. It's an honor to be able to do such a thing as that.' The husband demanded damages, and when he received two good horses from my father, he departed satisfied.

"Then my elder brother came home from a raid and heard that two horses had been given because of our activity. He was angry. He took his bow and arrow and shot two horses dead in the herd of the woman's husband.

"Nothing further happened at that time. But then the younger brother of the husband came back from a raid and heard the story. He was angry that the two horses had been shot. Thinking that his older brother had been ill-treated all around, he went over and cut off the nose of my friend's beautiful sister.'

The whole difficulty generated from the fact that the wrong-doers were youths. Adultery does give cause for suit for damages, but boys were always in a favored position and indulgence should have been shown them.

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684 Gets To Be A Middle-Aged Man denied his guilt and nothing happened.
882 The other boy boasted, aggravating the situation. The elder brother, how-
689 ever, would not be imposed upon. To him it was lack of good taste and fairness for the old man to take two horses; hence his summary retaliation. The collaterals to the other party reacted in turn to this action as indecently harsh. They retaliated with mutilation of the sister. This last retaliation should not be confused with the principle of group liability (i.e., that the sister paid because she shared the responsibility). It was rather that the sister belonged to the brother and, as a good-looking girl, had value to him. Spoiling her visage was like mutilating his horse (possibly more so).

689 So too in the murder case (pp. 66–67 above) in which a war leader was slain for killing the two fat horses which had been offered him in compensation for one fat horse of his which had been eaten without his permission. The horses were his by acknowledged agreement. But that the chief should so scornfully kill them was too much for the other party. It was an insult to a man who had sought to do right. Though the killing was undertaken by one man and his captive, yet the entire group acquiesced, making no effort to dissuade him. Their inaction showed at least passive approval.

It appears that one should not press his bald legal rights too far. Too much pressure under the wrong circumstances generated the same type of back-fire which in recent decades has troubled modern Continental lawyers with the concept of "abuse of rights."

689 The sharpest back-fire in such situations was in protest-suicide. Witness
762 the action of a disowned mother, who was rightfully denied by the son she had deserted.

Case 38. Suicide
Informant: That's It

"This woman was widowed with her four-year-old son. The band was moving camp and she had her boy tied in his little saddle on a pony. They were straggling along so much that they dropped behind the other people. A young man dropped back and proposed to the mother that they run off and marry. She agreed to that. But they did not want to be bothered with the child, so they tied his horse to a tree in the midst of a grove and left him there to starve.

"Later on some hunters, who were out after a bob-cat, came to the grove. One hunter said to the others, 'There's a horse standing over there.' The group went into the grove and saw the boy sleeping. They watched him. Some said they should wake him up. They woke him up and asked about his mother. He didn't know, but he told them the direction she had gone. The hunters followed the trail and came up to the main band. The mother was not there, so the boy was taken by his grandfather and raised to manhood, and got married.

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"One night his mother came back to the band. She went right into her son's tipi and shook his arm. She told him to get up and get some bison before they moved camp, because the people were going to a place where buffalo were scarce. 689 762

"The young man woke up and looked at her. He said, 'Did you call me "son"?' 'No,' he replied to her avowal, 'I have no mother. You tell me you're my mother. You don't know what you are talking about. Go away!'

"His mother uttered a groan and went back to her own tipi. Then she went out. She went down by the creek to a tree and threw a raw-hide rope over a branch. She stood on a log and put the rope about her neck. After that she kicked the log out into the stream and hung herself.

"The body was discovered by some hunters. All the people ran down there to cut her down and they buried her not far from the creek. The brother of the dead woman was angry. He said he would kill his nephew's wife. He said she must have had something to do with it; otherwise it would not have happened. But the young man and his wife ran away. They stayed with some other people until the trouble was forgotten."

Here again the son was legally right, for his mother had given up proper claim to him. For that in itself the son was not blamed. And yet to cause her such anguish that she committed suicide was going too far. In the uncle's thinking the son would not have done that of his own volition; his hussy of [157] a wife must have urged him to it! The forgetting of the trouble, by lapse of [152] time, shows the role of momentary passion, such as grief, or outraged dignity, in a hot-tempered people.

Nor should we fail to include the seeking of death in flaming glory on the battlefield, sought with reckless abandon by men whose honor was stained or whose failing constitutions held out the prospect of death on the sick-bed. These, too, were suicide: but suicide turned to public benefit.

Case 39. Suicide
Informant: Talker (Recorded by Jeannette Mirsky)

"Among the Yap-Eaters were two brothers: they were Thunder and Rocky Creek. They grew up together and never quarrelled. When they were yet young men their last remaining relatives died, leaving them alone. They were single men.

"Then came the time when Rocky Creek eloped with Eat Something; he took her on the war-path, for she was married to an old man. His brother was with him in this venture. But then they returned, Rocky Creek let her go; because she was a mean woman he did not want her.

"These brothers had a sister, Breaks Wind While Sitting, who was married. When they returned from the war-path they went to visit her.[1] Their brother-in-law,

[1] The rules of avoidance lapse when brother and sister have been married.